

REMARKS

The present RCE and amendment follows the amendments and arguments filed on May 20, 2005, which were not subsequently entered by the Examiner. Applicants respectfully request that the previous amendments, together with the present amendments be entered for examination, along with the accompanying arguments.

Regarding the Advisory Action's remarks pertaining to potential 35 U.S.C. §112(1) issues, Applicants submit that the present amendments clarify the readability of the claim, and further comport with the disclosure contained in the specification and drawings. If there are additional issues regarding these amendments, Applicants encourage the Examiner to contact the undersigned to try to resolve the issues.

Claims 11 and 13-20 remain in this application. Claim 11 has been amended, and claim 12 was previously cancelled, without prejudice. No new matter has been introduced as a result of the amendment.

Claims 11-19 were rejected under 35 U.S.C. §102(b) as being anticipated by *Imai* (EP 0704446 A2). Applicants respectfully traverse this rejection. Favorable reconsideration is respectfully requested.

Specifically, the cited art does not disclose the feature of "a display and input device arranged on a surface of the first part of the housing, the display and input device configured as a touch screen, wherein the touch screen occupies substantially an entire surface of the first part of the housing" and "a second part of the housing which substantially covers the touch screen in a first operating position of the portable telephone and which substantially exposes the touch screen in a second operating position of the portable telephone, the second part of the housing comprising a telephone receiver and additional input parts" as recited in claim 11. Applicants Respectfully submit that the telephone receiver of *Imai* does not disclose these features, as the telephone receiver is located in its respective housing whereby and is not substantially over the entire surface of the associated touch screen when in a first operating position. The telephone receiver is positioned in an area which extends outwards and away from the surface of the touch screen. While the first part (101) of the *Imai* telephone, *as a whole*, may cover the touch screen, the disclosed telephone receiver itself clearly does not substantially cover the entire surface.

Under the amended claim, the touch screen substantially occupies an entire surface of the first sub-housing, and supporting Figures 1 and 2 make it clear that the receiver inset lies

completely above the touch screen (9) in the first operating position. Furthermore, the specification describes that the closed second housing part essentially completely covers the touch screen (page 4, lines 16 to 18). This feature realizes an optimally large active surface (touch screen) requiring minimal housing dimensions. Also, the present claims are directed in part to a changing switch (see Figure 2) for switching between different operating modes. The changing switch is situated opposite the receiver inset or is situated opposite in an approximately offset manner with respect to the receiver inset on the lower surface of the second housing part (page 7, lines 3 to 10).

In contrast, *Imai* teaches an input by a keyboard without opening the cover, i.e., the second housing part (column 1, lines 28 to 32). *Imai* does not disclose a telephone receiver (receiver inset), wherein the receiver is particularly positioned in the second part of the housing so as to be substantially over an entire surface the touch screen in the first operating position. The application of changing switches is completely obviated under *Imai*, since the special configuration is reserved for expanding the area of the touch screen. Accordingly, a touch screen configured under the present claims provides for a comparatively larger screen and substantially covers an entire surface of the first sub-housing and the entire length of the mobile telephone can be reduced (see claim 11; page 3, lines 14 to 16, and Figure 2).

Arrangements in the prior art where the telephone receiver is positioned to be outside the surface area of the touch screen necessarily lead to an extended length of the associated portable telephone which is significantly bigger than a housing size necessary for housing only the touch screen. The present invention has addressed this drawback by providing a second part of the housing incorporated with the telephone receiver, wherein the receiver is particularly positioned in a space of this second part of the housing which needs to be provided anyway due only to the size of the touch screen. As a result, the invention as claimed does not require any further enlargement of the size of the telephone; i.e., the size of the housing of the telephone is significantly minimized.

In light of the above, Applicants respectfully submit that independent claim 11 of the present application, as amended, as well as claims 13-20 which respectfully depend therefrom, are both novel and non-obvious over the art of record. Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

It is further noted that no fees are due in connection with this response at this time. If any fees are due in connection with this application as a whole, the office is hereby authorized to deduct said fees from Deposit Account No.: 02-1818. If such a deduction is made, please indicate the Attorney Docket Number (0112740-526) on the account statement.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY

A handwritten signature in black ink, appearing to read "Peter Zura", is written over a horizontal line.

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